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LOS ANGELES COUNTY LETTERGRAM

TO	Gina Natoli Hearing Officer	FROM	Anita Gutierrez Special Projects
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SUBJECT: Time Extension for R2010-01410-(5)**DATE:** May 9, 2013**CASE NUMBER:** RCSD201000005 and ROAK201000036

The above referenced cases, Community Standards District Modification and Oak Tree Permit to allow modification to the development standards in the East Pasadena-San Gabriel Community Standards District for a reduced rear yard setback from 25 feet to 3 feet and to encroach into the protected zone of an oak tree located at 3600 Grayburn Road, in the East Pasadena Zoned District, in the R-1 (Single-Family Residence) Zone, was approved on April 25, 2011. The grant authorized by this approval will terminate if not used by April 25, 2013. The applicant, David Gould, filed a time extension on January 3, 2013, and requests one time extension from April 25, 2013 to April 25, 2014. The time extension is being requested due to the recent death of the owner of this property and additional time is requested to determine the appropriate course of action for the residence. This is the first time extension request.

HEARING OFFICER ACTION:

I concur with the requested action.

The time extension for CSD Modification Number 201000005 and Oak Tree Permit Number is 201000036 are hereby APPROVED.

Gina Natoli, Hearing Officer **DATE:** _____

Attachment
SD:ADG



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 6, 2011

Scott Nyborg
4499 Via Marisol, Suite 116B
Los Angeles, CA 90042

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**SUBJECT: REQUEST FOR MODIFICATION OF STANDARDS:
EAST PASADENA-SAN GABRIEL COMMUNITY STANDARDS DISTRICT
PROJECT NUMBER R2010-01410-(5)
CSD MODIFICATION CASE NUMBER 201000005**

Dear Applicant:

PLEASE NOTE: This document contains the Director's findings, order and conditions relating to **APPROVAL** of the above referenced case.

CAREFULLY REVIEW EACH CONDITION.

Condition #3 requires that the permittee file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Director's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the necessary form and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 10 days after this notice is received by the applicant. This grant will not become effective until and unless this period has passed without an appeal.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact Anita Gutierrez at (213) 974-6443, Monday through Thursday, from 7:30 a.m. to 6:00 p.m. Our offices are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Maria Masis
Section Head, Zoning Permits East Section

MM:ag

DIRECTOR'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

The applicant, David Gould, is proposing to reduce the rear yard setback from 25 feet to 3 feet. The property is located at 3600 Grayburn Road, in the East Pasadena – San Gabriel Community Standards District.

FINDINGS:

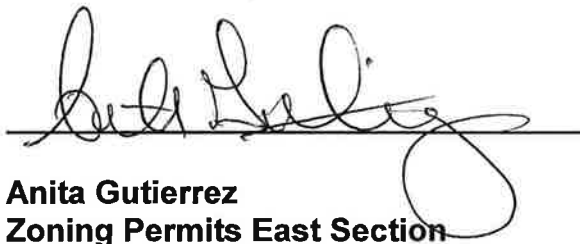
1. The project consists of a reduced rear yard setback due to an addition to the home.
2. The proposed use is in compliance with all other provisions of Title 22 of the Los Angeles County Code.
3. The proposed use is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring properties and is in conformity with good zoning practice.
4. The use is suitable from the standpoint of functional developmental design.
5. The Director did not receive more than two (2) requests for a public hearing related to this case; therefore, a public hearing is NOT required.
6. The proposed project is compatible with the character of the community since many other homes in the area have structures within 3 feet of the rear property line.
7. The approval of this modification shall not establish a precedent for approval of other modifications within the East Pasadena – San Gabriel Community Standards District.
8. The proposed use will remain a single-family dwelling unit and is therefore consistent with the Countywide General Plan land use designation of category 1 - Low Density Residential (1 to 6 du/ac).
9. The requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
10. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in the Los Angeles County Code.

11. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

DIRECTOR'S ACTION:

1. I find that the project is categorically exempt (Class 3) from the procedures and guidelines under the California Environmental Quality Act, and the project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, CSD Modification Case Number 201000005 is **GRANTED** with the attached conditions.

BY:



Anita Gutierrez
Zoning Permits East Section
Department of Regional Planning
County of Los Angeles

DATE:

4/6/11

Enclosures: Affidavit (for permittee's completion)
Conditions

c: Zoning Enforcement, Department of Public Works Building and Safety

This grant authorizes the modification of East Pasadena – San Gabriel Community Standards District to allow for a reduced rear yard setback from 25 feet to 3 feet, subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
6. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the grant shall be suspended and the privileges granted shall lapse; provided that the property owner has been given

written notice of such violation and has failed to correct the violations for a period of thirty (30) days.

7. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
8. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
9. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
10. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.

MM:ag

4/5/2010



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 25, 2011

Scott Nyborg
4499 Via Marisol, Suite 116B
Los Angeles, CA 90042

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER R2010-01410-(5)
OAK TREE PERMIT NUMBER 201000036
3600 GRAYBURN ROAD**

Dear Applicant:

The Director of Planning, by his action of Monday, April 25, 2011, **APPROVED** the above described application. The applicant or any other interested person may appeal the Director's decision to the Regional Planning Commission at the office of the commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on Monday, May 9, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

The attached documents contain the Director's findings and conditions relating to the approval. Please carefully review each condition. A condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Anita Gutierrez of the Zoning Permits East Section at (213) 974-6443 or by e-mail at AGutierrez@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: DPW (Building and Safety), David Gould

MM:AG

DIRECTOR'S FINDINGS AND ORDER: April 25, 2011

FACTUAL SUMMARY:

The applicant is requesting an oak tree permit to encroach into the protected zone of an oak tree identified as Tree Number 1 in an Oak Tree Report dated September 19, 2010, prepared by Rebecca Latta, consulting certified arborist, in association with an existing addition to a single-family residence located at 3600 Grayburn Road, in the unincorporated community of Los Angeles County East Pasadena-San Gabriel.

FINDINGS:

Absent the encroachment permitted by the attached conditions, the placement of the subject oak tree precludes the reasonable and efficient use of the property for a purpose otherwise authorized. The work approved is not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.

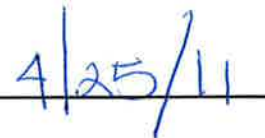
DIRECTOR'S ACTION:

1. The Director finds that the project qualifies for a categorical exemption, Class 3 – new construction or conversion of small structure, from California Environmental Quality Act (CEQA) reporting requirements.
2. In view of the findings of fact presented above, Oak Tree Permit number 201000036 is **GRANTED** subject to the filing of the attached affidavit and compliance with the attached conditions. Pursuant to Section 22.56.2250, an approved oak tree permit if not used within one year after the granting of such approval will become null and void and of no effect; except that where an application requesting an extension is filed prior to such expiration date, the Director may extend such time for a period of not to exceed one year.

BY:


Anita Gutierrez
Zoning Permits East Section
Department of Regional Planning
County of Los Angeles

DATE:



Enclosure: Affidavit and Conditions

c: County Forester

1. This grant authorizes the applicant to encroach into the protected zone of an oak tree identified as Tree Number 1 in an Oak Tree Report dated September 19, 2010, prepared by Rebecca Latta, consulting certified arborist, in association with an existing addition to a single-family residence located at 3600 Grayburn Road, in the unincorporated community of Los Angeles County East Pasadena-San Gabriel subject to the following conditions:
 - a. **This permit SHALL NOT be effective until a plot plan is approved for construction of the proposed addition to a single-family residence, demonstrating the need to encroach upon the said trees; and**
 - b. The permittee shall strictly comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated 3/10/2011 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division. In addition, should any oak tree die as a result of an approved encroachment, requiring the planting of mitigation trees, an acorn shall also be planted at the same time as and within the watering zone of each mitigation tree.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Foresters letter.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within one (1) year from the date of approval of the plot plan authorizing the development. In cases where the California Coastal Commission (CCC) has jurisdiction, the approval date is the date of the project approval by CCC. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
10. All replacement trees shall be planted on native undisturbed soil. The first two irrigations or watering of planted trees shall incorporate the addition of a mycorrhizae product (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting trees.
11. All on-site activity, including storage, shall take place at least five feet outside the drip-line of any oak tree, unless an Oak Tree Permit has first been approved.
12. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

Attachment:
3/10/2011- County Forester's Letter